



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3547

by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

See Index

Amends the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Marriage and Family Therapy Licensing Act, and the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act. Adds limited liability companies to the types of entities that may be granted licenses to provide services under the Acts. Adds provisions to the Acts regarding confidentiality of information collected by the Department of Financial and Professional Regulation in the course of examinations and investigations under the Acts. Amends the Sex Offender Evaluation and Treatment Provider Act. Provides that no corporation shall provide, attempt to provide, or offer to provide sex offender evaluation services unless it is organized under the Professional Service Corporation Act. Amends the Professional Service Corporation Act. Makes changes to certain defined terms. Provides that a separate application shall be submitted for each business location in Illinois, and if the corporation is using more than one fictitious or assumed name and has an address different from that of the parent company, a separate application shall be submitted for each fictitious or assumed name. Makes changes concerning disciplinary grounds under the Act. Adds provisions concerning notices of violation and confidentiality. Amends the Medical Corporation Act. Provides that a separate application shall be submitted for each business location in Illinois, and if the corporation is using more than one fictitious or assumed name and has an address different from that of the parent company, a separate application shall be submitted for each fictitious or assumed name. Makes changes concerning disciplinary grounds under the Act, notice of hearing, proceedings for judicial review, and shareholders of a medical corporation. Makes other changes.

LRB099 03648 KTG 23658 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Clinical Psychologist Licensing Act is
5 amended by changing Section 3 and by adding Section 24.2 as
6 follows:

7 (225 ILCS 15/3) (from Ch. 111, par. 5353)

8 (Section scheduled to be repealed on January 1, 2017)

9 Sec. 3. Necessity of license; corporations, limited
10 liability companies, partnerships, and associations; display
11 of license.

12 (a) No individual, partnership, association or corporation
13 shall, without a valid license as a clinical psychologist
14 issued by the Department, in any manner hold himself or herself
15 out to the public as a psychologist or clinical psychologist
16 under the provisions of this Act or render or offer to render
17 clinical psychological services as defined in paragraph 7 of
18 Section 2 of this Act; or attach the title "clinical
19 psychologist", "psychologist" or any other name or designation
20 which would in any way imply that he or she is able to practice
21 as a clinical psychologist; or offer to render or render, to
22 individuals, corporations or the public, clinical
23 psychological services as defined in paragraph 7 of Section 2

1 of this Act.

2 No person may engage in the practice of clinical
3 psychology, as defined in paragraph (5) of Section 2 of this
4 Act, without a license granted under this Act, except as
5 otherwise provided in this Act.

6 (b) No association or partnership shall be granted a
7 license and no limited liability company shall provide, attempt
8 to provide, or offer to provide clinical psychological services
9 unless every member, partner, and employee of the association,
10 ~~or~~ partnership, or limited liability company who renders
11 clinical psychological services holds a currently valid
12 license issued under this Act. No license shall be issued by
13 the Department to a corporation that (i) has a stated purpose
14 that includes clinical psychology, or (ii) practices or holds
15 itself out as available to practice clinical psychology, unless
16 it is organized under the Professional Service Corporation Act.

17 (c) Individuals, corporations, limited liability
18 companies, partnerships, and associations may employ practicum
19 students, interns or postdoctoral candidates seeking to
20 fulfill educational requirements or the professional
21 experience requirements needed to qualify for a license as a
22 clinical psychologist to assist in the rendering of services,
23 provided that such employees function under the direct
24 supervision, order, control and full professional
25 responsibility of a licensed clinical psychologist in the
26 corporation, limited liability company, partnership, or

1 association. Nothing in this paragraph shall prohibit a
2 corporation, limited liability company, partnership, or
3 association from contracting with a licensed health care
4 professional to provide services.

5 (d) Nothing in this Act shall prevent the employment, by a
6 clinical psychologist, individual, association, partnership,
7 limited liability company, or a corporation furnishing
8 clinical psychological services for remuneration, of persons
9 not licensed as clinical psychologists under the provisions of
10 this Act to perform services in various capacities as needed,
11 provided that such persons are not in any manner held out to
12 the public as rendering clinical psychological services as
13 defined in paragraph 7 of Section 2 of this Act. Nothing
14 contained in this Act shall require any hospital, clinic, home
15 health agency, hospice, or other entity that provides health
16 care services to employ or to contract with a clinical
17 psychologist licensed under this Act to perform any of the
18 activities under paragraph (5) of Section 2 of this Act.

19 (e) Nothing in this Act shall be construed to limit the
20 services and use of official title on the part of a person, not
21 licensed under the provisions of this Act, in the employ of a
22 State, county or municipal agency or other political
23 subdivision insofar that such services are a part of the duties
24 in his or her salaried position, and insofar that such services
25 are performed solely on behalf of his or her employer.

26 Nothing contained in this Section shall be construed as

1 permitting such person to offer their services as psychologists
2 to any other persons and to accept remuneration for such
3 psychological services other than as specifically excepted
4 herein, unless they have been licensed under the provisions of
5 this Act.

6 (f) Duly recognized members of any bonafide religious
7 denomination shall not be restricted from functioning in their
8 ministerial capacity provided they do not represent themselves
9 as being clinical psychologists or providing clinical
10 psychological services.

11 (g) Nothing in this Act shall prohibit individuals not
12 licensed under the provisions of this Act who work in self-help
13 groups or programs or not-for-profit organizations from
14 providing services in those groups, programs, or
15 organizations, provided that such persons are not in any manner
16 held out to the public as rendering clinical psychological
17 services as defined in paragraph 7 of Section 2 of this Act.

18 (h) Nothing in this Act shall be construed to prevent a
19 person from practicing hypnosis without a license issued under
20 this Act provided that the person (1) does not otherwise engage
21 in the practice of clinical psychology including, but not
22 limited to, the independent evaluation, classification, and
23 treatment of mental, emotional, behavioral, or nervous
24 disorders or conditions, developmental disabilities,
25 alcoholism and substance abuse, disorders of habit or conduct,
26 the psychological aspects of physical illness, (2) does not

1 otherwise engage in the practice of medicine including, but not
2 limited to, the diagnosis or treatment of physical or mental
3 ailments or conditions, and (3) does not hold himself or
4 herself out to the public by a title or description stating or
5 implying that the individual is a clinical psychologist or is
6 licensed to practice clinical psychology.

7 (i) Every licensee under this Act shall prominently display
8 the license at the licensee's principal office, place of
9 business, or place of employment and, whenever requested by any
10 representative of the Department, must exhibit the license.

11 (Source: P.A. 94-870, eff. 6-16-06.)

12 (225 ILCS 15/24.2 new)

13 Sec. 24.2. Confidentiality. All information collected by
14 the Department in the course of an examination or investigation
15 of a licensee or applicant, including, but not limited to, any
16 complaint against a licensee filed with the Department and
17 information collected to investigate any such complaint, shall
18 be maintained for the confidential use of the Department and
19 shall not be disclosed. The Department may not disclose the
20 information to anyone other than law enforcement officials,
21 other regulatory agencies that have an appropriate regulatory
22 interest as determined by the Secretary, or a party presenting
23 a lawful subpoena to the Department. Information and documents
24 disclosed to a federal, State, county, or local law enforcement
25 agency shall not be disclosed by the agency for any purpose to

1 any other agency or person. A formal complaint filed against a
2 licensee by the Department or any order issued by the
3 Department against a licensee or applicant shall be a public
4 record, except as otherwise prohibited by law.

5 Section 10. The Clinical Social Work and Social Work
6 Practice Act is amended by changing Section 10 and by adding
7 Section 34.1 as follows:

8 (225 ILCS 20/10) (from Ch. 111, par. 6360)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 10. License restrictions and limitations.

11 (a) No person shall, without a license as a social worker
12 issued by the Department: (i) in any manner hold himself or
13 herself out to the public as a social worker under this Act;
14 (ii) use the title "social worker" or "licensed social worker";
15 or (iii) offer to render to individuals, corporations, or the
16 public social work services if the words "social work" or
17 "licensed social worker" are used to describe the person
18 offering to render or rendering the services or to describe the
19 services rendered or offered to be rendered.

20 (b) No person shall, without a license as a clinical social
21 worker issued by the Department: (i) in any manner hold himself
22 or herself out to the public as a clinical social worker or
23 licensed clinical social worker under this Act; (ii) use the
24 title "clinical social worker" or "licensed clinical social

1 worker"; or (iii) offer to render to individuals, corporations,
2 or the public clinical social work services if the words
3 "licensed clinical social worker" or "clinical social work" are
4 used to describe the person to render or rendering the services
5 or to describe the services rendered or offered to be rendered.

6 (c) Licensed social workers may not engage in independent
7 practice of clinical social work without a clinical social
8 worker license. In independent practice, a licensed social
9 worker shall practice at all times under the order, control,
10 and full professional responsibility of a licensed clinical
11 social worker, a licensed clinical psychologist, or a
12 psychiatrist, as defined in Section 1-121 of the Mental Health
13 and Developmental Disabilities Code.

14 (d) No association, ~~or~~ partnership, or limited liability
15 company shall provide, attempt to provide, or offer to provide
16 social work or clinical social work services ~~be granted a~~
17 ~~license~~ unless every member, partner, and employee of the
18 association, ~~or~~ partnership, or limited liability company who
19 practices social work or clinical social work, ~~or who renders~~
20 social work or clinical social work services, ~~holds a current~~
21 license issued under this Act. No ~~license shall be issued to a~~
22 corporation shall provide, attempt to provide, or offer to
23 provide social work or clinical social work services ~~, the~~
24 ~~stated purpose of which includes or that practices or holds~~
25 ~~itself out as available to practice social work or clinical~~
26 ~~social work~~ unless it is organized under the Professional

1 Service Corporation Act.

2 (Source: P.A. 90-150, eff. 12-30-97.)

3 (225 ILCS 20/34.1 new)

4 Sec. 34.1. Confidentiality. All information collected by
5 the Department in the course of an examination or investigation
6 of a licensee or applicant, including, but not limited to, any
7 complaint against a licensee filed with the Department and
8 information collected to investigate any such complaint, shall
9 be maintained for the confidential use of the Department and
10 shall not be disclosed. The Department may not disclose the
11 information to anyone other than law enforcement officials,
12 other regulatory agencies that have an appropriate regulatory
13 interest as determined by the Secretary, or a party presenting
14 a lawful subpoena to the Department. Information and documents
15 disclosed to a federal, State, county, or local law enforcement
16 agency shall not be disclosed by the agency for any purpose to
17 any other agency or person. A formal complaint filed against a
18 licensee by the Department or any order issued by the
19 Department against a licensee or applicant shall be a public
20 record, except as otherwise prohibited by law.

21 (225 ILCS 20/18 rep.)

22 Section 15. The Clinical Social Work and Social Work
23 Practice Act is amended by repealing Section 18.

1 Section 20. The Marriage and Family Therapy Licensing Act
2 is amended by changing Section 75 and by adding Section 156 as
3 follows:

4 (225 ILCS 55/75) (from Ch. 111, par. 8351-75)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 75. License restrictions and limitations. ~~Practice by~~
7 ~~corporations.~~ No association, partnership, or limited
8 liability company shall provide, attempt to provide, or offer
9 to provide marriage and family therapy services unless every
10 member, partner, and employee of the association, partnership,
11 or limited liability company who practices marriage and family
12 therapy or who renders marriage and family therapy services
13 holds a current license issued under this Act. No ~~license shall~~
14 be issued by the Department to any corporation shall provide,
15 attempt to provide, or offer to provide ~~(i) that has a stated~~
16 ~~purpose that includes, or (ii) that practices or holds itself~~
17 ~~out as available to practice,~~ marriage and family therapy
18 services, unless it is organized under the Professional Service
19 Corporation Act.

20 (Source: P.A. 87-783.)

21 (225 ILCS 55/156 new)

22 Sec. 156. Confidentiality. All information collected by
23 the Department in the course of an examination or investigation
24 of a licensee or applicant, including, but not limited to, any

1 complaint against a licensee filed with the Department and
2 information collected to investigate any such complaint, shall
3 be maintained for the confidential use of the Department and
4 shall not be disclosed. The Department may not disclose the
5 information to anyone other than law enforcement officials,
6 other regulatory agencies that have an appropriate regulatory
7 interest as determined by the Secretary, or a party presenting
8 a lawful subpoena to the Department. Information and documents
9 disclosed to a federal, State, county, or local law enforcement
10 agency shall not be disclosed by the agency for any purpose to
11 any other agency or person. A formal complaint filed against a
12 licensee by the Department or any order issued by the
13 Department against a licensee or applicant shall be a public
14 record, except as otherwise prohibited by law.

15 Section 25. The Professional Counselor and Clinical
16 Professional Counselor Licensing and Practice Act is amended by
17 changing Section 20 as follows:

18 (225 ILCS 107/20)

19 (Section scheduled to be repealed on January 1, 2023)

20 Sec. 20. Restrictions and limitations.

21 (a) No person shall, without a valid license as a
22 professional counselor issued by the Department: (i) in any
23 manner hold himself or herself out to the public as a
24 professional counselor under this Act; (ii) attach the title

1 "professional counselor" or "licensed professional counselor";
2 or (iii) offer to render or render to individuals,
3 corporations, or the public professional counseling services.

4 (b) No person shall, without a valid license as a clinical
5 professional counselor issued by the Department: (i) in any
6 manner hold himself or herself out to the public as a clinical
7 professional counselor or licensed clinical professional
8 counselor under this Act; (ii) attach the title "clinical
9 professional counselor" or "licensed clinical professional
10 counselor"; or (iii) offer to render to individuals,
11 corporations, or the public clinical professional counseling
12 services.

13 (c) (Blank).

14 (d) No association, limited liability company, or
15 partnership shall provide, attempt to provide, or offer to
16 provide ~~practice~~ clinical professional counseling or
17 professional counseling services unless every member, partner,
18 and employee of the association, limited liability company, or
19 partnership who practices professional counseling or clinical
20 professional counseling, or who renders professional
21 counseling or clinical professional counseling services, holds
22 a currently valid license issued under this Act. No ~~license~~
23 ~~shall be issued to a~~ corporation shall provide, attempt to
24 provide, or offer to provide , ~~the stated purpose of which~~
25 ~~includes or which practices or which holds itself out as~~
26 ~~available to practice~~ professional counseling or clinical

1 professional counseling services unless it is organized under
2 the Professional Service Corporation Act.

3 (e) Nothing in this Act shall be construed as permitting
4 persons licensed as professional counselors or clinical
5 professional counselors to engage in any manner in the practice
6 of medicine in all its branches as defined by law in this
7 State.

8 (f) When, in the course of providing professional
9 counseling or clinical professional counseling services to any
10 person, a professional counselor or clinical professional
11 counselor licensed under this Act finds indication of a disease
12 or condition that in his or her professional judgment requires
13 professional service outside the scope of practice as defined
14 in this Act, he or she shall refer that person to a physician
15 licensed to practice medicine in all of its branches or another
16 appropriate health care practitioner.

17 (Source: P.A. 97-706, eff. 6-25-12.)

18 Section 26. The Sex Offender Evaluation and Treatment
19 Provider Act is amended by changing Section 40 as follows:

20 (225 ILCS 109/40)

21 Sec. 40. Application; exemptions.

22 (a) No person may act as a sex offender evaluator, sex
23 offender treatment provider, or associate sex offender
24 provider as defined in this Act for the provision of sex

1 offender evaluations or sex offender treatment pursuant to the
2 Sex Offender Management Board Act, the Sexually Dangerous
3 Persons Act, or the Sexually Violent Persons Commitment Act
4 unless the person is licensed to do so by the Department. Any
5 evaluation or treatment services provided by a licensed health
6 care professional not licensed under this Act shall not be
7 valid under the Sex Offender Management Board Act, the Sexually
8 Dangerous Persons Act, or the Sexually Violent Persons
9 Commitment Act. No corporation shall provide, attempt to
10 provide, or offer to provide sex offender evaluation services
11 unless it is organized under the Professional Service
12 Corporation Act.

13 (b) Nothing in this Act shall be construed to require any
14 licensed physician, advanced practice nurse, physician
15 assistant, or other health care professional to be licensed
16 under this Act for the provision of services for which the
17 person is otherwise licensed. This Act does not prohibit a
18 person licensed under any other Act in this State from engaging
19 in the practice for which he or she is licensed. This Act only
20 applies to the provision of sex offender evaluations or sex
21 offender treatment provided for the purposes of complying with
22 the Sex Offender Management Board Act, the Sexually Dangerous
23 Persons Act, or the Sexually Violent Persons Commitment Act.

24 (Source: P.A. 97-1098, eff. 7-1-13.)

25 Section 30. The Professional Service Corporation Act is

1 amended by changing Sections 2, 3.1, 3.2, 3.6, 12, 12.1, and 13
2 and by adding Sections 13.5 and 15.5 as follows:

3 (805 ILCS 10/2) (from Ch. 32, par. 415-2)

4 Sec. 2. It is the legislative intent to provide for the
5 incorporation of an individual or group of individuals to
6 render the same professional service or related professional
7 services to the public for which such individuals are required
8 by law to be licensed or to obtain other legal authorization,
9 while preserving the established professional aspects of the
10 personal relationship between the professional person and
11 those he or she serves professionally.

12 (Source: P.A. 78-783.)

13 (805 ILCS 10/3.1) (from Ch. 32, par. 415-3.1)

14 Sec. 3.1. "Ancillary personnel" means such person acting in
15 their customary capacities, employed by those rendering a
16 professional service who:

17 (1) Are not licensed to engage in the category of
18 professional service for which a professional corporation was
19 formed; and

20 (2) Work at the direction or under the supervision of those
21 who are so licensed; and

22 (3) Do not hold themselves out to the public generally as
23 being authorized to engage in the practice of the profession
24 for which the corporation is licensed; and

1 (4) Are not prohibited by the regulating ~~licensing~~
2 authority, regulating the category of professional service
3 rendered by the corporation from being so employed and includes
4 clerks, secretaries, technicians and other assistants who are
5 not usually and ordinarily considered by custom and practice to
6 be rendering the professional services for which the
7 corporation was formed.

8 (Source: P.A. 77-565.)

9 (805 ILCS 10/3.2) (from Ch. 32, par. 415-3.2)

10 Sec. 3.2. "Regulating authority" means ~~the State board,~~
11 ~~department, agency or~~ the Supreme Court of Illinois (in the
12 case of attorneys at law), the Department of Financial and
13 Professional Regulation, or other State board, department, or
14 agency having jurisdiction to grant a license to render the
15 category of professional service for which a professional
16 corporation has been organized, or the United States Patent
17 Office, or the Internal Revenue Service of the United States
18 Treasury Department.

19 (Source: P.A. 78-561.)

20 (805 ILCS 10/3.6) (from Ch. 32, par. 415-3.6)

21 Sec. 3.6. "Related professions" and "related professional
22 services" mean more than one personal service which requires as
23 a condition precedent to the rendering thereof the obtaining of
24 a license and which prior to October 1, 1973 could not be

1 performed by a corporation by reason of law; provided, however,
2 that these terms shall be restricted to:

3 (1) a combination of 2 ~~two~~ or more of the following
4 personal services: (a) "architecture" as defined in
5 Section 5 of the Illinois Architecture Practice Act of
6 1989, (b) "professional engineering" as defined in Section
7 4 of the Professional Engineering Practice Act of 1989, (c)
8 "structural engineering" as defined in Section 5 of the
9 Structural Engineering Practice Act of 1989, (d) "land
10 surveying" as defined in Section 2 of the Illinois
11 Professional Land Surveyor Act of 1989; ~~or~~

12 (2) a combination of the following personal services:
13 (a) the practice of medicine by persons licensed under the
14 Medical Practice Act of 1987, (b) the practice of podiatry
15 as defined in ~~Section 5 of~~ the Podiatric Medical Practice
16 Act of 1987, (c) the practice of dentistry as defined in
17 the Illinois Dental Practice Act, (d) the practice of
18 optometry as defined in the Illinois Optometric Practice
19 Act of 1987; ~~or~~

20 (3) a combination of 2 or more of the following
21 personal services: (a) the practice of clinical psychology
22 by persons licensed under the Clinical Psychologist
23 Licensing Act, (b) the practice of social work or clinical
24 social work by persons licensed under the Clinical Social
25 Work and Social Work Practice Act, (c) the practice of
26 marriage and family therapy by persons licensed under the

1 Marriage and Family Therapy Licensing Act, (d) the practice
2 of professional counseling or clinical professional
3 counseling by persons licensed under the Professional
4 Counselor and Clinical Professional Counselor Licensing
5 and Practice Act, and (e) the practice of sex offender
6 evaluations by persons licensed under the Sex Offender
7 Evaluation and Treatment Provider Act; or

8 (4) a combination of 2 or more of the following
9 personal services: (a) the practice of acupuncture by
10 persons licensed under the Acupuncture Practice Act, (b)
11 the practice of massage by persons licensed under the
12 Massage Licensing Act, (c) the practice of naprapathy by
13 persons licensed under the Naprapathic Practice Act, (d)
14 the practice of occupational therapy by persons licensed
15 under the Illinois Occupational Therapy Practice Act, and
16 (e) the practice of physical therapy by persons licensed
17 under the Illinois Physical Therapy Act.

18 (Source: P.A. 95-738, eff. 1-1-09.)

19 (805 ILCS 10/12) (from Ch. 32, par. 415-12)

20 Sec. 12. (a) No corporation shall open, operate or maintain
21 an establishment for any of the purposes for which a
22 corporation may be organized under this Act without a
23 certificate of registration from the regulating authority
24 authorized by law to license individuals to engage in the
25 profession or related professions concerned. Application for

1 such registration shall be made in writing, and shall contain
2 the name and address of the corporation, and such other
3 information as may be required by the regulating authority.
4 Upon receipt of such application, the regulating authority, or
5 some administrative agency of government designated by it,
6 shall make an investigation of the corporation. If the
7 regulating authority is the Supreme Court it may designate the
8 bar or legal association which investigates and prefers charges
9 against lawyers to it for disciplining. If such authority finds
10 that the incorporators, officers, directors and shareholders
11 are each licensed pursuant to the laws of Illinois to engage in
12 the particular profession or related professions involved
13 (except that the secretary of the corporation need not be so
14 licensed), and if no disciplinary action is pending before it
15 against any of them, and if it appears that the corporation
16 will be conducted in compliance with the law and the
17 regulations and rules of the regulating authority, such
18 authority, shall issue, upon payment of a registration fee of
19 \$50, a certificate of registration.

20 A separate application shall be submitted for each business
21 location in Illinois. If the corporation is using more than one
22 fictitious or assumed name and has an address different from
23 that of the parent company, a separate application shall be
24 submitted for each fictitious or assumed name.

25 Upon written application of the holder, the regulating
26 authority which originally issued the certificate of

1 registration shall renew the certificate if it finds that the
2 corporation has complied with its regulations and the
3 provisions of this Act.

4 The fee for the renewal of a certificate of registration
5 shall be calculated at the rate of \$40 per year.

6 The certificate of registration shall be conspicuously
7 posted upon the premises to which it is applicable,~~and the~~
8 ~~professional corporation shall have only those offices which~~
9 ~~are designated by street address in the articles of~~
10 ~~incorporation, or as changed by amendment of such articles.~~ No
11 certificate of registration shall be assignable.

12 (b) Moneys collected under this Section from a professional
13 corporation organized to practice law shall be deposited into
14 the Supreme Court Special Purposes Fund.

15 (c) After the effective date of this amendatory Act of the
16 98th General Assembly, the amount of any fee collected under
17 this Section from a professional corporation organized to
18 practice law may be set by Supreme Court rule, except that the
19 amount of the fees shall remain as set by statute until the
20 Supreme Court adopts rules specifying a higher or lower fee
21 amount.

22 (Source: P.A. 98-324, eff. 10-1-13.)

23 (805 ILCS 10/12.1) (from Ch. 32, par. 415-12.1)

24 Sec. 12.1. Any corporation which on 2 occasions issues or
25 delivers a check or other order to the Department of Financial

1 and Professional Regulation which is not honored by the
2 financial institution upon which it is drawn because of
3 insufficient funds on account, shall pay to the Department, in
4 addition to the amount owing upon such check or other order, a
5 fee of \$50. If such check or other order was issued or
6 delivered in payment of a renewal fee and the corporation whose
7 certificate of registration has lapsed continues to practice as
8 a corporation without paying the renewal fee and the \$50 fee
9 required under this Section, an additional fee of \$100 shall be
10 imposed for practicing without a current license. The
11 Department shall notify the corporation whose certificate of
12 registration has lapsed, within 30 days after the discovery by
13 the Department that such corporation is operating without a
14 current certificate, that the corporation is operating without
15 a certificate, and of the amount due to the Department, which
16 shall include the lapsed renewal fee and all other fees
17 required by this Section. If after the expiration of 30 days
18 from the date of such notification, the corporation whose
19 certificate has lapsed seeks a current certificate, it shall
20 thereafter apply to the Department for reinstatement of the
21 certificate and pay all fees due to the Department. The
22 Department may establish a fee for the processing of an
23 application for reinstatement of a certificate which allows the
24 Department to pay all costs and expenses incident to the
25 processing of this application. The Director may waive the fees
26 due under this Section in individual cases where he finds that

1 in the particular case such fees would be unreasonable or
2 unnecessarily burdensome.

3 (Source: P.A. 85-1209.)

4 (805 ILCS 10/13) (from Ch. 32, par. 415-13)

5 Sec. 13. The regulating authority which issued the
6 certificate of registration may suspend or revoke the
7 certificate or may otherwise discipline the certificate holder
8 ~~it~~ for any of the following reasons:

9 (a) The revocation or suspension of the license to practice
10 the profession of any officer, director, shareholder or
11 employee not promptly removed or discharged by the corporation;
12 (b) unethical professional conduct on the part of any officer,
13 director, shareholder or employee not promptly removed or
14 discharged by the corporation; (c) the death of the last
15 remaining shareholder; (d) upon finding that the holder of a
16 certificate has failed to comply with the provisions of this
17 Act or the regulations prescribed by the regulating authority
18 that issued it; or (e) the failure to file a return, or to pay
19 the tax, penalty or interest shown in a filed return, or to pay
20 any final assessment of tax, penalty or interest, as required
21 by any tax Act administered by the Illinois Department of
22 Revenue, until such time as the requirements of any such tax
23 Act are satisfied.

24 Before any certificate of registration is suspended or
25 revoked, the holder shall be given written notice of the

1 proposed action and the reasons therefor, and shall provide a
2 public hearing by the regulating authority, with the right to
3 produce testimony and other evidence concerning the charges
4 made. The notice shall also state the place and date of the
5 hearing which shall be at least 10 days after service of said
6 notice.

7 All orders of regulating authorities denying an
8 application for a certificate of registration, ~~or~~ suspending or
9 revoking a certificate of registration, or imposing a civil
10 penalty shall be subject to judicial review pursuant to the
11 provisions of the Administrative Review Law, as now or
12 hereafter amended, and the rules adopted pursuant thereto then
13 in force.

14 The proceedings for judicial review shall be commenced in
15 the circuit court of the county in which the party applying for
16 review is located. If the party is not currently located in
17 Illinois, the venue shall be in Sangamon County. The regulating
18 authority shall not be required to certify any record to the
19 court or file any answer in court or otherwise appear in any
20 court in a judicial review proceeding, unless and until the
21 regulating authority has received from the plaintiff payment of
22 the costs of furnishing and certifying the record, which costs
23 shall be determined by the regulating authority. Exhibits shall
24 be certified without cost. Failure on the part of the plaintiff
25 to file a receipt in court is grounds for dismissal of the
26 action.

1 (Source: P.A. 85-1222.)

2 (805 ILCS 10/13.5 new)

3 Sec. 13.5. Notice of violation. Whenever the regulating
4 authority has reason to believe a corporation has opened,
5 operated, or maintained an establishment for any of the
6 purposes for which a corporation may be organized under this
7 Act without a certificate of registration from the regulating
8 authority authorized by law to license individuals to engage in
9 the profession or related professions, the regulating
10 authority may issue a notice of violation to the corporation.
11 The notice of violation shall provide a period of 30 days from
12 the date of the notice to either file an answer to the
13 satisfaction of the regulating authority or submit an
14 application for registration in compliance with this Act,
15 including payment of the \$50 application fee and a late fee of
16 \$100 for each year that the corporation opened, operated, or
17 maintained an establishment for any of the purposes for which a
18 corporation may be organized under this Act without having been
19 issued a certificate of registration, with a maximum late fee
20 of \$500. If the corporation that is the subject of the notice
21 of violation fails to respond, fails to respond to the
22 satisfaction of the regulating authority, or fails to submit an
23 application for registration, the regulating authority may
24 institute disciplinary proceedings against the corporation and
25 may impose a civil penalty up to \$10,000 for violation of this

1 Act after affording the corporation a hearing in conformance
2 with the requirements of this Act.

3 (805 ILCS 10/15.5 new)

4 Sec. 15.5. Confidentiality. All information collected by
5 the regulating authority in the course of an examination or
6 investigation of a holder of a certificate of registration or
7 an applicant, including, but not limited to, any complaint
8 against a holder of a certificate of registration filed with
9 the regulating authority and information collected to
10 investigate any such complaint, shall be maintained for the
11 confidential use of the regulating authority and shall not be
12 disclosed. The regulating authority may not disclose the
13 information to anyone other than law enforcement officials,
14 other regulatory agencies that have an appropriate regulatory
15 interest as determined by the regulating authority, or a party
16 presenting a lawful subpoena to the regulating authority.
17 Information and documents disclosed to a federal, State,
18 county, or local law enforcement agency shall not be disclosed
19 by the agency for any purpose to any other agency or person. A
20 formal complaint filed against a holder of a certificate of
21 registration or an applicant shall be a public record, except
22 as otherwise prohibited by law.

23 Section 35. The Medical Corporation Act is amended by
24 changing Sections 2, 5, 5.1, 8, 10, 11, 12, 13, and 15 and by

1 adding Sections 13.5 and 16.5 as follows:

2 (805 ILCS 15/2) (from Ch. 32, par. 632)

3 Sec. 2. One or more persons licensed pursuant to the
4 Medical Practice Act of 1987, as heretofore or hereafter
5 amended, may form a corporation pursuant to the "Business
6 Corporation Act of 1983", as amended, to own, operate and
7 maintain an establishment for the study, diagnosis and
8 treatment of human ailments and injuries, whether physical or
9 mental, and to promote medical, surgical and scientific
10 research and knowledge; provided that medical or surgical
11 treatment, consultation or advice may be given by shareholders,
12 directors, officers, agents, and employees of the corporation
13 only if they are licensed pursuant to the Medical Practice Act
14 of 1987; and provided further, however, that nothing herein
15 shall prohibit an attorney licensed to practice law in Illinois
16 from signing and acting as initial incorporator on behalf of
17 such corporation.

18 (Source: P.A. 85-1209.)

19 (805 ILCS 15/5) (from Ch. 32, par. 635)

20 Sec. 5. No corporation shall open, operate or maintain an
21 establishment for any of the purposes set forth in Section 2 of
22 this Act without a certificate of registration from the
23 Department of Financial and Professional Regulation,
24 hereinafter called the Department. Application for such

1 registration shall be made to the Department in writing and
2 shall contain the name and address of the corporation and such
3 other information as may be required by the Department. A
4 separate application shall be submitted for each business
5 location in Illinois. If the corporation is using more than one
6 fictitious or assumed name and has an address different from
7 that of the parent company, a separate application shall be
8 submitted for each fictitious or assumed name. Upon receipt of
9 such application, the Department shall make an investigation of
10 the corporation. If the Department finds that the
11 incorporators, officers, directors and shareholders are all
12 licensed pursuant to the Medical Practice Act of 1987 and if no
13 disciplinary action is pending before the Department against
14 any of them, and if it appears that the corporation will be
15 conducted in compliance with law and the regulations of the
16 Department, the Department shall issue, upon payment of a
17 registration fee of \$50, a certificate of registration.

18 (Source: P.A. 85-1209.)

19 (805 ILCS 15/5.1)

20 Sec. 5.1. Deposit of fees and fines. Beginning July 1,
21 2003, all of the fees, civil penalties, and fines collected
22 under this Act shall be deposited into the General Professions
23 Dedicated Fund.

24 (Source: P.A. 93-32, eff. 7-1-03.)

1 (805 ILCS 15/8) (from Ch. 32, par. 638)

2 Sec. 8. In the event of a change of location of the
3 registered establishment, the corporation shall notify the
4 Department, in accordance with its regulations, and the
5 Department shall amend the certificate of registration so that
6 it shall apply to the new location.

7 (Source: Laws 1963, p. 3513.)

8 (805 ILCS 15/10) (from Ch. 32, par. 640)

9 Sec. 10. The Department may suspend or revoke any
10 certificate of registration or may otherwise discipline the
11 certificate holder for any of the following reasons: (a) the
12 revocation or suspension of the license to practice medicine of
13 any officer, director, shareholder or employee not promptly
14 removed or discharged by the corporation; (b) unethical
15 professional conduct on the part of any officer, director,
16 shareholder or employee not promptly removed or discharged by
17 the corporation; (c) the death of the last remaining
18 shareholder; or (d) upon finding that the holder of a
19 certificate has failed to comply with the provisions of this
20 Act or the regulations prescribed by the Department.

21 The Department may refuse to issue or renew or may suspend
22 the certificate of any corporation which fails to file a
23 return, or to pay the tax, penalty or interest shown in a filed
24 return, or to pay any final assessment of tax, penalty or
25 interest, as required by any tax Act administered by the

1 Illinois Department of Revenue, until such time as the
2 requirements of any such tax Act are satisfied.

3 (Source: P.A. 85-1222.)

4 (805 ILCS 15/11) (from Ch. 32, par. 641)

5 Sec. 11. Before any certificate of registration is
6 suspended or revoked, the holder shall be given written notice
7 of the proposed action and the reasons therefor, and shall be
8 given a public hearing by the Department with the right to
9 produce testimony concerning the charges made. The notice shall
10 also state the place and date of the hearing which shall be at
11 least 10 ~~5~~ days after service of said notice.

12 (Source: Laws 1963, p. 3513.)

13 (805 ILCS 15/12) (from Ch. 32, par. 642)

14 Sec. 12. The provisions of the Administrative Review Law,
15 as heretofore or hereafter amended, and all rules adopted
16 pursuant thereto, shall apply to and govern all proceedings for
17 the judicial review of final administrative decisions of the
18 Department hereunder. The term "administrative decision" is
19 defined as in Section 3-101 of the Code of Civil Procedure.

20 The proceedings for judicial review shall be commenced in
21 the circuit court of the county in which the party applying for
22 review is located. If the party is not currently located in
23 Illinois, the venue shall be in Sangamon County. The Department
24 shall not be required to certify any record to the court or

1 file any answer in court or otherwise appear in any court in a
2 judicial review proceeding, unless and until the Department has
3 received from the plaintiff payment of the costs of furnishing
4 and certifying the record, which costs shall be determined by
5 the Department. Exhibits shall be certified without cost.
6 Failure on the part of the plaintiff to file a receipt in court
7 is grounds for dismissal of the action.

8 (Source: P.A. 82-783.)

9 (805 ILCS 15/13) (from Ch. 32, par. 643)

10 Sec. 13. (a) All of the officers, directors and
11 shareholders of a corporation subject to this Act shall at all
12 times be persons licensed pursuant to the Medical Practice Act
13 of 1987. No person who is not so licensed shall have any part
14 in the ownership, management, or control of such corporation,
15 nor may any proxy to vote any shares of such corporation be
16 given to a person who is not so licensed. Notwithstanding any
17 provisions to the contrary in the "Business Corporation Act of
18 1983", as now or hereafter amended, if all of the shares of a
19 corporation subject to this Act are owned by one shareholder,
20 the office of president and secretary may be held by the same
21 person.

22 (b) No corporation may issue any of its capital stock to
23 anyone other than an individual who is duly licensed under the
24 Medical Practice Act of 1987. No shareholder shall enter into a
25 voting trust agreement or any other type of agreement vesting

1 another person with the authority to exercise the voting power
2 of any of his or her stock.

3 (c) A corporation may, for purposes of dissolution, have as
4 its shareholders, directors, officers, agents, and employees
5 individuals who are not licensed under the Medical Practice Act
6 of 1987, provided that the corporation does not render any
7 medical services nor hold itself out as capable of or available
8 to render medical services during the period of dissolution.
9 The Department shall not issue or renew any certificate of
10 authority to a corporation during the period of dissolution. A
11 copy of the certificate of dissolution, as issued by the
12 Secretary of State, shall be delivered to the Department within
13 30 days after its receipt by the incorporators.

14 (Source: P.A. 85-1209.)

15 (805 ILCS 15/13.5 new)

16 Sec. 13.5. Notice of violation. Whenever the Department has
17 reason to believe a corporation has opened, operated, or
18 maintained an establishment for any of the purposes for which a
19 corporation may be organized under this Act without a
20 certificate of registration from the Department, the
21 Department may issue a notice of violation to the corporation.
22 The notice of violation shall provide a period of 30 days from
23 the date of the notice to either file an answer to the
24 satisfaction of the Department or submit an application for
25 registration in compliance with this Act, including payment of

1 the \$50 application fee and a late fee of \$100 for each year
2 that the corporation opened, operated, or maintained an
3 establishment for any of the purposes for which a corporation
4 may be organized under this Act without having been issued a
5 certification of registration, with a maximum late fee of \$500.
6 If the corporation that is the subject of the notice of
7 violation fails to respond, fails to respond to the
8 satisfaction of the Department, or fails to submit an
9 application for registration, the Department may institute
10 disciplinary proceedings against the corporation and may
11 impose a civil penalty up to \$10,000 for violation of this Act
12 after affording the corporation a hearing in conformance with
13 the requirements of this Act.

14 (805 ILCS 15/15) (from Ch. 32, par. 645)

15 Sec. 15. Each individual shareholder, director, officer,
16 agent, or employee licensed pursuant to the Medical Practice
17 Act of 1987 who is employed by a corporation subject to this
18 Act shall remain subject to ~~reprimand or~~ discipline for his
19 conduct under the provisions of the Medical Practice Act of
20 1987.

21 (Source: P.A. 85-1209.)

22 (805 ILCS 15/16.5 new)

23 Sec. 16.5. Confidentiality. All information collected by
24 the Department in the course of an examination or investigation

1 of a holder of a certificate of registration or an applicant,
2 including, but not limited to, any complaint against a holder
3 of a certificate of registration filed with the Department and
4 information collected to investigate any such complaint, shall
5 be maintained for the confidential use of the Department and
6 shall not be disclosed. The Department may not disclose the
7 information to anyone other than law enforcement officials,
8 other regulatory agencies that have an appropriate regulatory
9 interest as determined by the Secretary, or a party presenting
10 a lawful subpoena to the Department. Information and documents
11 disclosed to a federal, State, county, or local law enforcement
12 agency shall not be disclosed by the agency for any purpose to
13 any other agency or person. A formal complaint filed against a
14 holder of a certificate of registration by the Department or
15 any order issued by the Department against a holder of a
16 certificate of registration or an applicant shall be a public
17 record, except as otherwise prohibited by law.

18 Section 40. The Limited Liability Company Act is amended by
19 changing Sections 1-10, 1-25, 1-28, 5-5, and 5-55 and by adding
20 Section 1-29 as follows:

21 (805 ILCS 180/1-10)

22 Sec. 1-10. Limited liability company name.

23 (a) The name of each limited liability company or foreign
24 limited liability company organized, existing, or subject to

1 the provisions of this Act:

2 (1) shall contain the terms "limited liability
3 company", "L.L.C.", or "LLC", or, if organized as a
4 low-profit limited liability company under Section 1-26 of
5 this Act, shall contain the term "L3C";

6 (2) may not contain a word or phrase, or an
7 abbreviation or derivation thereof, the use of which is
8 prohibited or restricted by any other statute of this State
9 unless the restriction has been complied with;

10 (3) shall consist of letters of the English alphabet,
11 Arabic or Roman numerals, or symbols capable of being
12 readily reproduced by the Office of the Secretary of State;

13 (4) shall not contain any of the following terms:
14 "Corporation," "Corp.," "Incorporated," "Inc.," "Ltd.,"
15 "Co.," "Limited Partnership" or "L.P.";

16 (5) shall be the name under which the limited liability
17 company transacts business in this State unless the limited
18 liability company also elects to adopt an assumed name or
19 names as provided in this Act; provided, however, that the
20 limited liability company may use any divisional
21 designation or trade name without complying with the
22 requirements of this Act, provided the limited liability
23 company also clearly discloses its name;

24 (6) shall not contain any word or phrase that indicates
25 or implies that the limited liability company is authorized
26 or empowered to be in the business of a corporate fiduciary

1 unless otherwise permitted by the Secretary of Financial
2 and Professional Regulation ~~Commissioner of the Office of~~
3 ~~Banks and Real Estate~~ under Section 1-9 of the Corporate
4 Fiduciary Act. The word "trust", "trustee", or "fiduciary"
5 may be used by a limited liability company only if it has
6 first complied with Section 1-9 of the Corporate Fiduciary
7 Act; and

8 (7) shall contain the word "trust", if it is a limited
9 liability company organized for the purpose of accepting
10 and executing trusts. ~~;~~ and

11 ~~(8) shall not, as to any limited liability company~~
12 ~~organized or amending its company name on or after April 3,~~
13 ~~2009 (the effective date of Public Act 96-7), without the~~
14 ~~express written consent of the United States Olympic~~
15 ~~Committee, contain the words: (i) "Olympic"; (ii)~~
16 ~~"Olympiad"; (iii) "Paralympic"; (iv) "Paralympiad"; (v)~~
17 ~~"Citius Altius Fortius"; or (vi) "CHICOG".~~

18 (b) Nothing in this Section or Section 1-20 shall abrogate
19 or limit the common law or statutory law of unfair competition
20 or unfair trade practices, nor derogate from the common law or
21 principles of equity or the statutes of this State or of the
22 United States of America with respect to the right to acquire
23 and protect copyrights, trade names, trademarks, service
24 marks, service names, or any other right to the exclusive use
25 of names or symbols.

26 (c) (Blank).

1 (d) The name shall be distinguishable upon the records in
2 the Office of the Secretary of State from all of the following:

3 (1) Any limited liability company that has articles of
4 organization filed with the Secretary of State under
5 Section 5-5.

6 (2) Any foreign limited liability company admitted to
7 transact business in this State.

8 (3) Any name for which an exclusive right has been
9 reserved in the Office of the Secretary of State under
10 Section 1-15.

11 (4) Any assumed name that is registered with the
12 Secretary of State under Section 1-20.

13 (5) Any corporate name or assumed corporate name of a
14 domestic or foreign corporation subject to the provisions
15 of Section 4.05 of the Business Corporation Act of 1983 or
16 Section 104.05 of the General Not For Profit Corporation
17 Act of 1986.

18 (e) The provisions of subsection (d) of this Section shall
19 not apply if the organizer files with the Secretary of State a
20 certified copy of a final decree of a court of competent
21 jurisdiction establishing the prior right of the applicant to
22 the use of that name in this State.

23 (f) The Secretary of State shall determine whether a name
24 is "distinguishable" from another name for the purposes of this
25 Act. Without excluding other names that may not constitute
26 distinguishable names in this State, a name is not considered

1 distinguishable, for purposes of this Act, solely because it
2 contains one or more of the following:

3 (1) The word "limited", "liability" or "company" or an
4 abbreviation of one of those words.

5 (2) Articles, conjunctions, contractions,
6 abbreviations, or different tenses or number of the same
7 word.

8 (Source: P.A. 98-720, eff. 7-16-14.)

9 (805 ILCS 180/1-25)

10 Sec. 1-25. Nature of business.

11 (a) A limited liability company may be formed for any
12 lawful purpose or business except:

13 (1) (blank);

14 (2) insurance unless, for the purpose of carrying on
15 business as a member of a group including incorporated and
16 individual unincorporated underwriters, the Director of
17 Insurance finds that the group meets the requirements of
18 subsection (3) of Section 86 of the Illinois Insurance Code
19 and the limited liability company, if insolvent, is subject
20 to liquidation by the Director of Insurance under Article
21 XIII of the Illinois Insurance Code;

22 (3) the practice of dentistry unless all the members
23 and managers are licensed as dentists under the Illinois
24 Dental Practice Act; ~~or~~

25 (4) the practice of medicine unless all the managers,

1 if any, are licensed to practice medicine under the Medical
2 Practice Act of 1987 and each member is either:

3 (A) licensed to practice medicine under the
4 Medical Practice Act of 1987; or

5 (B) a registered medical corporation or
6 corporations organized pursuant to the Medical
7 Corporation Act; or

8 (C) a professional corporation organized pursuant
9 to the Professional Service Corporation Act of
10 physicians licensed to practice under the Medical
11 Practice Act of 1987; or

12 (D) a limited liability company that satisfies the
13 requirements of subparagraph (A), (B), or (C);

14 (5) the practice of real estate unless all the
15 managers, if any, or every member in a member-managed
16 company are licensed to practice as a managing broker or
17 broker pursuant to the Real Estate License Act of 2000;

18 (6) the practice of clinical psychology unless all the
19 managers and members are licensed to practice as a clinical
20 psychologist under the Clinical Psychologist Licensing
21 Act;

22 (7) the practice of social work unless all the managers
23 and members are licensed to practice as a clinical social
24 worker or social worker under the Clinical Social Work and
25 Social Work Practice Act;

26 (8) the practice of marriage and family therapy unless

1 all the managers and members are licensed to practice as a
2 marriage and family therapist under the Marriage and Family
3 Therapy Licensing Act;

4 (9) the practice of professional counseling unless all
5 the managers and members are licensed to practice as a
6 clinical professional counselor or a professional
7 counselor under the Professional Counselor and Clinical
8 Professional Counselor Licensing and Practice Act;

9 (10) the practice of sex offender evaluations unless
10 all the managers and members are licensed to practice as a
11 sex offender evaluator under the Sex Offender Evaluation
12 and Treatment Provider Act; or

13 (11) the practice of veterinary medicine unless all the
14 managers and members are licensed to practice as a
15 veterinarian under the Veterinary Medicine and Surgery
16 Practice Act of 2004.

17 (b) Notwithstanding any provision of this Section, any of
18 the following professional services may be combined and offered
19 within a single company provided that each professional service
20 is only offered by persons licensed to provide that
21 professional service and all managers and members are licensed
22 in at least one of the professional services offered by the
23 company:

24 (1) the practice of medicine by physicians licensed
25 under the Medical Practice Act of 1987, the practice of
26 podiatry by podiatrists licensed under the Podiatric

1 Medical Practice Act of 1987, the practice of dentistry by
2 dentists licensed under the Illinois Dental Practice Act,
3 and the practice of optometry by optometrists licensed
4 under the Illinois Optometric Practice Act of 1987; or

5 (2) the practice of clinical psychology by clinical
6 psychologists licensed under the Clinical Psychologist
7 Licensing Act, the practice of social work by clinical
8 social workers or social workers licensed under the
9 Clinical Social Work and Social Work Practice Act, the
10 practice of marriage and family counseling by marriage and
11 family therapists licensed under the Marriage and Family
12 Therapy Licensing Act, the practice of professional
13 counseling by professional counselors and clinical
14 professional counselors licensed under the Professional
15 Counselor and Clinical Professional Counselor Licensing
16 and Practice Act, and the practice of sex offender
17 evaluations by sex offender evaluators licensed under the
18 Sex Offender Evaluation and Treatment Provider Act.

19 (Source: P.A. 95-331, eff. 8-21-07; 95-738, eff. 1-1-09.)

20 (805 ILCS 180/1-28)

21 Sec. 1-28. Certificate of Registration; Department of
22 Financial and Professional Regulation. This Section applies
23 only to a limited liability company that intends to provide, or
24 does provide, professional services that require the
25 individuals engaged in the profession to be licensed by the

1 Department of Financial and Professional Regulation. A limited
2 liability company covered by this Section shall not open,
3 operate, or maintain an establishment for any of the purposes
4 for which a limited liability company may be organized under
5 this Act without obtaining a certificate of registration from
6 the Department.

7 Application for such registration shall be made in writing
8 and shall contain the name and address of the limited liability
9 company and such other information as may be required by the
10 Department. Upon receipt of such application, the Department
11 shall make an investigation of the limited liability company.
12 If this Act or any Act administered by the Department requires
13 the organizers, managers, and members to each be licensed in
14 the particular profession or related professions related to the
15 professional services offered by the company, the Department
16 shall determine ~~finds~~ that the organizers, managers, and
17 members are each licensed pursuant to the laws of Illinois to
18 engage in the particular profession or related professions
19 involved (except that an initial organizer may be a licensed
20 attorney) and that ~~if~~ no disciplinary action is pending before
21 the Department against any of them before issuing a certificate
22 of registration. For all other companies submitting an
23 application, the Department shall determine if any organizer,
24 manager, or member claiming to hold a professional license
25 issued by the Department is currently so licensed and that no
26 disciplinary action is pending before the Department against

1 any of them before issuing a certificate of registration. If
2 ~~and if~~ it appears that the limited liability company will be
3 conducted in compliance with the law and the rules and
4 regulations of the Department, the Department shall issue, upon
5 payment of a registration fee of \$50, a certificate of
6 registration.

7 A separate application shall be submitted for each business
8 location in Illinois. If the limited liability company is using
9 more than one fictitious or assumed name and has an address
10 different from that of the parent company, a separate
11 application shall be submitted for each fictitious or assumed
12 name.

13 Upon written application of the holder, the Department
14 shall renew the certificate if it finds that the limited
15 liability company has complied with its regulations and the
16 provisions of this Act and the applicable licensing Act. This
17 fee for the renewal of a certificate of registration shall be
18 calculated at the rate of \$40 per year. The certificate of
19 registration shall be conspicuously posted upon the premises to
20 which it is applicable, ~~and the limited liability company shall~~
21 ~~have only those offices which are designated by street address~~
22 ~~in the articles of organization, or as changed by amendment of~~
23 ~~such articles.~~ A certificate of registration shall not be
24 assignable.

25 A limited liability company registered under this Section
26 may, for the purposes of dissolution, have as its managers and

1 members individuals who are not licensed by the Department to
2 provide professional services notwithstanding any provision of
3 this section or of any professional Act administered by the
4 Department, provided that the limited liability company under
5 these circumstances does not render any professional services
6 nor hold itself out as capable or available to render any
7 professional services during the period of dissolution. The
8 Department shall not issue or renew any certificate of
9 registration to a limited liability company during the period
10 of dissolution. A copy of the certificate of dissolution, as
11 issued by the Secretary of State, shall be delivered to the
12 Department within 30 days of its receipt by the managers or
13 members.

14 All fees, civil penalties, and fines collected under this
15 Section and Section 1-29 shall be deposited into the General
16 Professions Dedicated Fund.

17 (Source: P.A. 96-679, eff. 8-25-09; 96-984, eff. 1-1-11;
18 96-1000, eff. 7-2-10.)

19 (805 ILCS 180/1-29 new)

20 Sec. 1-29. Certificate of registration; administration and
21 enforcement. This Section applies to a limited liability
22 company subject to Section 1-28 of this Act.

23 No limited liability company organized under this Act may
24 render professional services that require the issuance of a
25 license by the Department, except through its managers,

1 members, agents, or employees who are duly licensed or
2 otherwise legally authorized to render such professional
3 services within this State.

4 Nothing contained in this Act shall be interpreted to
5 abolish, repeal, modify, restrict, or limit the law in effect
6 in this State on the effective date of this amendatory Act of
7 the 99th General Assembly that is applicable to the
8 professional relationship and liabilities between the person
9 furnishing the professional services and the person receiving
10 such professional services or the law that is applicable to the
11 standards for professional conduct. Any manager, member,
12 agent, or employee of a limited liability company shall remain
13 personally and fully liable and accountable for any negligent
14 or wrongful acts or misconduct committed by him or her or by
15 any person under his or her direct supervision and control
16 while rendering professional services on behalf of the limited
17 liability company. However, a limited liability company
18 subject to Section 1-28 shall have no greater liability for the
19 conduct of its agents than any other limited liability company
20 organized under this Act. The limited liability company shall
21 be liable up to the full value of its property for any
22 negligence or wrongful acts or misconduct committed by any of
23 its managers, members, agents, or employees while they are
24 engaged in the rendering of professional services on behalf of
25 the limited liability company.

26 An individual's association with a limited liability

1 company as a manager, member, agent, or employee, shall in no
2 way modify or diminish the jurisdiction of the Department that
3 licensed, certified, or registered the individual for a
4 particular profession.

5 All rights and obligations pertaining to communications
6 made to or information received by any qualified person or the
7 advice he or she gives on such communications or information,
8 shall be extended to the limited liability company of which he
9 or she is a manager, member, agent, or employee, and to the
10 limited liability company's managers, members, agents, and
11 employees.

12 Any limited liability company that, on 2 occasions, issues
13 or delivers a check or other order to the Department that is
14 not honored by the financial institution upon which it is drawn
15 because of insufficient funds on the account, shall pay to the
16 Department, in addition to the amount owing upon such check or
17 other order, a fee of \$50. If such check or other order was
18 issued or delivered in payment of a renewal fee and the limited
19 liability company whose certification of registration has
20 lapsed continues to practice as a limited liability company
21 without paying the renewal fee and the \$50 fee required under
22 this Section, an additional fee of \$100 shall be imposed for
23 practicing without a current license. The Department shall
24 notify the limited liability company whose certificate of
25 registration has lapsed within 30 days after the discovery by
26 the Department that such limited liability company is operating

1 without a current certificate of the fact that the limited
2 liability company is operating without a certificate and of the
3 amount due to the Department, which shall include the lapsed
4 renewal fee and all other fees required by this Section. If the
5 limited liability company whose certification has lapsed seeks
6 a current certificate more than 30 days after the date it
7 receives notification from the Department, it shall be required
8 to apply to the Department for reinstatement of the certificate
9 and to pay all fees due to the Department. The Department may
10 establish a fee for the processing of an application for
11 reinstatement of a certificate that allows the Department to
12 pay all costs and expenses related to the processing of the
13 application. The Director may waive the fees due under this
14 Section in individual cases where he or she finds that in the
15 particular case such fees would be unreasonable or
16 unnecessarily burdensome.

17 The Department may suspend, revoke, or otherwise
18 discipline the certificate of registration for any of the
19 following reasons:

20 (1) the revocation or suspension of the license to
21 practice the profession of any officer, manager, member,
22 agent, or employee not promptly removed or discharged by
23 the limited liability company;

24 (2) unethical professional conduct on the part of any
25 officer, manager, member, agent, or employee not promptly
26 removed or discharged by the limited liability company;

1 (3) the death of the last remaining member;

2 (4) upon finding that the holder of the certificate has
3 failed to comply with the provisions of this Act or the
4 regulations prescribed by the Department; or

5 (5) the failure to file a return, to pay the tax,
6 penalty, or interest shown in a filed return, or to pay any
7 final assessment of tax, penalty, or interest, as required
8 by a tax Act administered by the Illinois Department of
9 Revenue, until such time as the requirements of any such
10 tax Act are satisfied.

11 Before any certificate of registration is suspended or
12 revoked, the holder shall be given written notice of the
13 proposed action and the reasons for the proposed action and
14 shall be provided a public hearing by the Department with the
15 right to produce testimony and other evidence concerning the
16 charges made. The notice shall also state the place and date of
17 the hearing, which shall be at least 10 days after service of
18 the notice.

19 All orders of the Department denying an application for a
20 certificate of registration or suspending or revoking a
21 certificate of registration or imposing a civil penalty shall
22 be subject to judicial review pursuant to the Administrative
23 Review Law.

24 The proceedings for judicial review shall be commenced in
25 the circuit court of the county in which the party applying for
26 review is located. If the party is not currently located in

1 Illinois, the venue shall be in Sangamon County. The Department
2 shall not be required to certify any record to the court or
3 file any answer in court or otherwise appear in any court in a
4 judicial review proceeding, unless and until the Department has
5 received from the plaintiff payment of the costs of furnishing
6 and certifying the record, which costs shall be determined by
7 the Department. Exhibits shall be certified without cost.
8 Failure on the part of the plaintiff to file a receipt in court
9 is grounds for dismissal of the action.

10 Whenever the Department has reason to believe a limited
11 liability company has opened, operated, or maintained an
12 establishment for any of the purposes for which a limited
13 liability company may be organized under this Act without a
14 certificate of registration from the Department authorized by
15 law to license individuals to engage in the profession or
16 related professions, the Department may issue a notice of
17 violation to the limited liability company. The notice of
18 violation shall provide a period of 30 days after the date of
19 the notice to either file an answer to the satisfaction of the
20 Department or submit an application for registration in
21 compliance with this Act, including payment of the \$50
22 application fee and a late fee of \$100 for each year that the
23 limited liability company opened, operated, or maintained an
24 establishment for any of the purposes for which a limited
25 liability company may be organized under this Act without
26 having been issued a certificate of registration, with a

1 maximum late fee of \$500. If the limited liability company that
2 is the subject of the notice of violation fails to respond,
3 fails to respond to the satisfaction of the Department, or
4 fails to submit an application for registration, the Department
5 may institute disciplinary proceedings against the limited
6 liability company and may impose a civil penalty up to \$10,000
7 for violation of this Act after affording the limited liability
8 company a hearing in conformance with the requirements of this
9 Act.

10 All information collected by the Department in the course
11 of an examination or investigation of a holder of a certificate
12 of registration or an applicant, including, but not limited to,
13 any complaint against a holder of a certificate of registration
14 filed with the Department and information collected to
15 investigate any such complaint, shall be maintained for the
16 confidential use of the Department and shall not be disclosed.
17 The Department may not disclose the information to anyone other
18 than law enforcement officials, other regulatory agencies that
19 have an appropriate regulatory interest as determined by the
20 Secretary, or a party presenting a lawful subpoena to the
21 Department. Information and documents disclosed to a federal,
22 State, county, or local law enforcement agency shall not be
23 disclosed by the agency for any purpose to any other agency or
24 person. A formal complaint filed against a holder of a
25 certificate of registration by the Department or any order
26 issued by the Department against a holder of a certificate of

1 registration or an applicant shall be a public record, except
2 as otherwise prohibited by law.

3 (805 ILCS 180/5-5)

4 Sec. 5-5. Articles of organization.

5 (a) The articles of organization shall set forth all of the
6 following:

7 (1) The name of the limited liability company and the
8 address of its principal place of business which may, but
9 need not be a place of business in this State.

10 (2) The purposes for which the limited liability
11 company is organized, which may be stated to be, or to
12 include, the transaction of any or all lawful businesses
13 for which limited liability companies may be organized
14 under this Act.

15 (3) The name of its registered agent and the address of
16 its registered office.

17 (4) If the limited liability company is to be managed
18 by a manager or managers, the names and business addresses
19 of the initial manager or managers.

20 (5) If management of the limited liability company is
21 to be vested in the members under Section 15-1, then the
22 names and addresses of the initial member or members.

23 (5.5) The duration of the limited liability company,
24 which shall be perpetual unless otherwise stated.

25 (6) (Blank).

1 (7) The name and address of each organizer.

2 (8) Any other provision, not inconsistent with law,
3 that the members elect to set out in the articles of
4 organization for the regulation of the internal affairs of
5 the limited liability company, including any provisions
6 that, under this Act, are required or permitted to be set
7 out in the operating agreement of the limited liability
8 company.

9 (b) A limited liability company is organized at the time
10 articles of organization are filed by the Secretary of State or
11 at any later time, not more than 60 days after the filing of
12 the articles of organization, specified in the articles of
13 organization.

14 (c) Articles of organization for the organization of a
15 limited liability company for the purpose of accepting and
16 executing trusts shall not be filed by the Secretary of State
17 until there is delivered to him or her a statement executed by
18 the Secretary of Financial and Professional Regulation
19 ~~Commissioner of the Office of Banks and Real Estate~~ that the
20 organizers of the limited liability company have made
21 arrangements with the Secretary of Financial and Professional
22 Regulation ~~Commissioner of the Office of Banks and Real Estate~~
23 to comply with the Corporate Fiduciary Act.

24 (d) Articles of organization for the organization of a
25 limited liability company as a bank or a savings bank must be
26 filed with the Department of Financial and Professional

1 ~~Regulation Commissioner of Banks and Real Estate~~ or, if the
2 bank or savings bank will be organized under federal law, with
3 the appropriate federal banking regulator.

4 (Source: P.A. 98-171, eff. 8-5-13.)

5 (805 ILCS 180/5-55)

6 Sec. 5-55. Filing in Office of Secretary of State.

7 (a) Whenever any provision of this Act requires a limited
8 liability company to file any document with the Office of the
9 Secretary of State, the requirement means that:

10 (1) the original document, executed as described in
11 Section 5-45, and, if required by this Act to be filed in
12 duplicate, one copy (which may be a signed carbon or
13 photocopy) shall be delivered to the Office of the
14 Secretary of State;

15 (2) all fees and charges authorized by law to be
16 collected by the Secretary of State in connection with the
17 filing of the document shall be tendered to the Secretary
18 of State; and

19 (3) unless the Secretary of State finds that the
20 document does not conform to law, he or she shall, when all
21 fees have been paid:

22 (A) endorse on the original and on the copy the
23 word "Filed" and the month, day, and year of the filing
24 thereof;

25 (B) file in his or her office the original of the

1 document; and

2 (C) return the copy to the person who filed it or
3 to that person's representative.

4 (b) If another Section of this Act specifically prescribes
5 a manner of filing or signing a specified document that differs
6 from the corresponding provisions of this Section, then the
7 provisions of the other Section shall govern.

8 (c) Whenever any provision of this Act requires a limited
9 liability company that is a bank or a savings bank to file any
10 document, that requirement means that the filing shall be made
11 exclusively with the Department of Financial and Professional
12 Regulation ~~Commissioner of Banks and Real Estate~~ or, if the
13 bank or savings bank is organized under federal law, with the
14 appropriate federal banking regulator at such times and in such
15 manner as required by the Department ~~Commissioner~~ or federal
16 regulator.

17 (Source: P.A. 92-33, eff. 7-1-01; 93-561, eff. 1-1-04.)

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2		Statutes amended in order of appearance
3	225 ILCS 15/3	from Ch. 111, par. 5353
4	225 ILCS 15/24.2 new	
5	225 ILCS 20/10	from Ch. 111, par. 6360
6	225 ILCS 20/34.1 new	
7	225 ILCS 20/18 rep.	
8	225 ILCS 55/75	from Ch. 111, par. 8351-75
9	225 ILCS 55/156 new	
10	225 ILCS 107/20	
11	225 ILCS 109/40	
12	805 ILCS 10/2	from Ch. 32, par. 415-2
13	805 ILCS 10/3.1	from Ch. 32, par. 415-3.1
14	805 ILCS 10/3.2	from Ch. 32, par. 415-3.2
15	805 ILCS 10/3.6	from Ch. 32, par. 415-3.6
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- 3 805 ILCS 15/13 from Ch. 32, par. 643
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- 5 805 ILCS 15/15 from Ch. 32, par. 645
- 6 805 ILCS 15/16.5 new
- 7 805 ILCS 180/1-10
- 8 805 ILCS 180/1-25
- 9 805 ILCS 180/1-28
- 10 805 ILCS 180/1-29 new
- 11 805 ILCS 180/5-5
- 12 805 ILCS 180/5-55